



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,374	12/22/2000	Manoel Tenorio	020431.0751	8825
7590	05/28/2004		EXAMINER	
Chris W. Kennerly Baker Botts L. L. P. 2001 Ross Avenue Dallas, TX 75201			HAYES, JOHN W	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 05/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/745,374

Applicant(s)

TENORIO, MANOEL

Examiner

John W Hayes

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/22/00 - 3/10/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

Art Unit: 3621

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chipman et al, U.S. Patent No. 6,038,668 in view of Humphrey, U.S. Patent No. 5,987,233.

As per **Claims 1, 15, 17 and 31**, Chipman et al disclose a method and software for migrating product data within an electronic commerce system, comprising:

- monitoring requests for product data by users of a global content directory (Col. 3, lines 55-60; Col. 4, lines 35-40; Col. 5, lines 24-30; Col. 7, lines 30-45), the global content directory comprising:
 - a directory structure comprising a plurality of product classes organized in a hierarchy, each product class categorizing a plurality of products and defining one or more attributes of the products categorized in the product class (Col. 3, lines 30-50; Col. 4, lines 35-40; Col. 6, lines 58-64; Col. 7, lines 39-58); and
 - one or more pointers associated with each product class, each pointer identifying a seller database in which product data enabling a product transaction is stored for products associated with the product class (Col. 5, lines 24-30; Col. 9 line 63-Col. 10 line 9);

Chipman et al further discloses creating a searchable directory structure on a portal which acts as a primary interface to the organized information and further wherein the portal is remote from the sellers/suppliers more detailed database of product information. Although Chipman et al discloses the migration of this directory structure to a storage location remote from the seller, Chipman et al fails to explicitly disclose that this migration occurs based upon monitoring requests by the user and initiating the

Art Unit: 3621

migration of the product data from the seller database to the storage location. Humphrey discloses a global information network and teaches a method of alleviating the need to move many copies of the same data around at any given moment in time (Col. 1, lines 49-53). Humphrey further discloses identifying the location of the user (Col. 5, lines 50-55), monitoring users requests for information and migrating this data from source to a local cache closer to the users (Col. 4, lines 10-15; Col. 5, lines 1-25 and 50-62; Col. 6, lines 8-12) when it is determined that the amount of interest in the information is sufficient enough to warrant movement of the data to the local cache closer to the users (Col. 5, lines 13-20). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Chipman et al and include the ability to migrate product data from sellers databases to storage locations closer to the user that requested the information as taught by Humphrey. Humphrey provides motivation by indicating that this would alleviate the problem of the Internet choking itself with replicated data by moving many copies of the same data around at any given moment in time (Col. 1, lines 50-53) and further that this method would better serve the end user and is desirable and necessary for efficient and effective use of shared data by multiple users when it is determined that there is sufficient interest in the particular data or information (Col. 3, lines 1-6; Col. 5, lines 13-20; Col. 6, lines 21-36).

As per **Claims 2 and 18**, Chipman et al further disclose wherein a request for product data by a user comprises a selection of a product from search results obtained from one or more seller databases by the global content directory and communicated to the user (Col. 4, lines 35-40; Col. 5, lines 55-62; Col. 7, lines 30-65).

As per **Claims 3, 10-12, 19 and 26-28**, Chipman et al fails to disclose determining that the user has requested the information a selected number of times within a selected period of time and determining if the information should be migrated based on this. Humphrey discloses a method of measuring the amount of interest in the data and decides whether or not the interest is sufficient enough to warrant migrating the data to the local caches. Humphrey discloses that controlling the amount of information and data being sent to the local caches is important. Humphrey teaches that it may be

Art Unit: 3621

beneficial to cache active material that generates a regular level of interest and popular material which is accessed regularly is worth caching. Humphrey further teaches that the key factor for migrating the data to the local caches is that the material being sent the local caches should provide value to the end user (Col. 5, lines 13-20 and Col. 6, lines 20-35). Thus, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Chipman et al and migrate user requested data to a storage location closer the user such as a local cache by determining the amount of interest in the data by the users such as how many times the user has requested the data over a given amount of time as suggested by Humphrey. The motivation as taught by Humphrey is to migrate the data only when a sufficient amount of interest in the data is generated.

As per Claims 4-5 and 20-21, Chipman et al further discloses wherein the data that is migrated comprises product data associated with each of a plurality of products in a product class (Col. 3, lines 30-60; Col. 5, lines 55-62; Col. 9, lines 35-52; Col. 10 line 63-Col. 11 line 2).

As per Claims 6-8 and 22-24, Chipman et al and Humphrey fail to specifically disclose deleting or overwriting data with other data when the data has not been requested for a specified period of time or when the storage is needed for additional data. Examiner takes Official Notice that it is well known in the art to delete or overwrite data that is determined to be no longer useful. The motivation to delete or overwrite data that is determined to no longer be useful would be to alleviate the wasting of storage space by freeing more storage space for information that is more active or popular and would obviously provide more benefit to the users that most likely would be interested in the more active or popular information.

As per Claims 9, 13, 25 and 29, Chipman et al further disclose wherein migrated product data is stored for access by each of a subset of the users and the storage location for the product data is determined based on the locations of each of the subset of users (Col. 3, lines 57-60; Col. 5, lines 9-18).

Art Unit: 3621

As per **Claims 14 and 30**, Chipman et al and Humphrey fail to disclose storing the product data inside a firewall of the computer. Examiner takes Official Notice that storing data within a user's firewall is well known in the art and the reasons for doing this are also well known. It is well known that a firewall provides a means for storing information within a computer in a secure manner that limits outsiders from accessing the data.

As per **Claims 16 and 32**, Chipman et al further disclose creating pointers to the storage locations and to update the migrated product data using the pointer when the product data is updated in the seller database (Col. 35-53).

As per **Claims 33 and 34**, Chipman et al disclose a method and software for migrating product data within an electronic commerce system, comprising:

- monitoring requests for product data by users of a global content directory, the requests each comprising a selection of a product from search results obtained from one or more seller databases by the global content directory and communicated to the user (Col. 3, lines 55-60; Col. 4, lines 35-40; Col. 5, lines 24-30; Col. 7, lines 30-45), the global content directory comprising:

- a directory structure comprising a plurality of product classes organized in a hierarchy, each product class categorizing a plurality of products and defining one or more attributes of the products categorized in the product class (Col. 3, lines 30-50; Col. 4, lines 35-40; Col. 6, lines 58-64; Col. 7, lines 39-58); and

- one or more pointers associated with each product class, each pointer identifying a seller database in which product data enabling a product transaction is stored for products associated with the product class (Col. 5, lines 24-30; Col. 9 line 63-Col. 10 line 9);

Chipman et al further discloses creating a searchable directory structure on a portal which acts as a primary interface to the organized information and further wherein the portal is remote from the sellers/suppliers more detailed database of product information. Although Chipman et al discloses the migration of this directory structure to a storage location remote from the seller and further teaches

Art Unit: 3621

updating the migrated data using pointers when the product data is updated in the seller database (Col. 35-53), Chipman et al fail to explicitly disclose that this migration occurs based upon monitoring requests by the user and initiating the migration of the product data from the seller database to the storage location based upon the number of times the user has requested the information. Humphrey discloses a global information network and teaches a method of alleviating the need to move many copies of the same data around at any given moment in time (Col. 1, lines 49-53). Humphrey further discloses identifying the location of the user (Col. 5, lines 50-55), monitoring users requests for information and migrating this data from source to a local cache closer to the users (Col. 4, lines 10-15; Col. 5, lines 1-25 and 50-62; Col. 6, lines 8-12) when it is determined that the amount of interest in the information is sufficient enough to warrant movement of the data to the local cache closer to the users (Col. 5, lines 13-20). Humphrey discloses a method of measuring the amount of interest in the data and decides whether or not the interest is sufficient enough to warrant migrating the data to the local caches. Humphrey discloses that controlling the amount of information and data being sent to the local caches is important. Humphrey teaches that it may be beneficial to cache active material that generates a regular level of interest and popular material which is accessed regularly is worth caching. Humphrey further teaches that the key factor for migrating the data to the local caches is that the material being sent the local caches should provide value to the end user (Col. 5, lines 13-20 and Col. 6, lines 20-35). Thus, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Chipman et al and migrate user requested data to a storage location closer the user such as a local cache by determining the amount of interest in the data by the users such as how many times the user has requested the data over a given amount of time as suggested by Humphrey. The motivation as taught by Humphrey is to migrate the data only when a sufficient amount of interest in the data is generated. Humphrey provides further motivation by indicating that this would alleviate the problem of the Internet choking itself with replicated data by moving many copies of the same data around at any given moment in time (Col. 1, lines 50-53) and further that this method would better serve the end user and is desirable and necessary for efficient and effective use of shared data by multiple users when it is

Art Unit: 3621

determined that there is sufficient interest in the particular data or information (Col. 3, lines 1-6; Col. 5, lines 13-20; Col. 6, lines 21-36).

Conclusion

3. **Examiner's Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Jammes et al disclose the use of a product catalog for searching products from multiple sellers and further disclose a database ID for each seller and monitors user's requests for data
- Gregory discloses a method for distributed content electronic commerce and teach the use of a commerce server to handle transactions and a merchant server for storing detailed product information
- Imamura et al disclose an electronic shopping system and teach the use of an electronic catalog for multiple sellers wherein product data is stored at a remote mail server
- Buyukkoc et al discloses a dynamic cache replication method in an Internet environment that replicates data at a closer location to the user based upon user usage patterns
- Filepp et al disclose a system that permits information and transactional services to be provided to users based upon predetermined parameters such as user locale
- Barrett et al disclose a system for profiling user activities and assisting a user in accessing information stored at remote network sites based on the user's past history of network usage

Art Unit: 3621

- Nowers et al disclose a method for facilitating electronic commercial transactions and teach establishing a global electronic catalog of products offered for sale on an electronic storefront and including an inventory of products from a plurality of different vendors
- Rajaraman et al disclose a system for generation of hierarchical search results using classifications and subclassifications of the data.

Art Unit: 3621

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Hayes whose telephone number is (703)306-5447. The examiner can normally be reached Monday through Friday from 5:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim Trammell, can be reached on (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

**Mail Stop _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Please address mail to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolator, etc.) as follows:

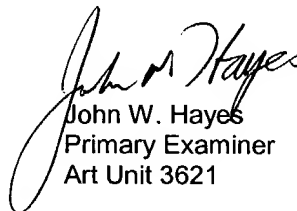
**U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop _____
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202**

or faxed to:

(703) 872-9306 [Official communications; including
After Final communications labeled
"Box AF"]

(703) 746-5531 [Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington,
VA, 7th floor receptionist.


John W. Hayes
Primary Examiner
Art Unit 3621

May 19, 2004